D. REMARKS

Specification

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

Interview Summary

On December 6, 2004, 2 PM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiner Zhou. No exhibits were shown, nor demonstrations conducted.

First, Applicants' representative and the Examiner discussed claim 1, and in particular a proposed amendment to clarify the scope of a preexisting window element. Specifically, the prior art cited against claim 1 is Hall, Jr. et al. (US Patent 5,805,166). Applicants representative argued that Hall, Jr. et al. only teaches displaying a usage status in a graphical element that is specifically displayed in a user interface for displaying a usage status. In contrast, a proposed amendment to claim 1 would clarify that a "preexisting window element" in which the usage status is displayed is one that "is initially displayed for a purpose other than indicating said usage status." The Examiner agreed that this clarification would help distinguish the claim from Hall, Jr. and reminded the Applicant to point out where the specification supports the clarification. No agreement was reached with respect to claim 1. Applicant is filing this response for further review by the Examiner.

35 USC § 102(b)

Claims 1-4, 6-7, 9-12, 14-15, 17-20 and 22-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hall, Jr. et al. (US Patent 5,805,166) (hereinafter referred to as Hall, Jr.). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an

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enabling disclosure of each and every element as set forth in the claim. *In re Hoecksma*, 158
USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Applicants
request allowance of claims 1-4, 6-7, 9-12, 14-15, 17-20 and 22-23 in view of the amendments
and arguments hereafter.

Claims 1, 9 and 17

With respect to claims 1, 9, and 17, the Examiner cites Hall, Jr. as teaching the method,
system, and program of claims 1, 9, and 17, respectively. [Office Action, p. 2] In particular,
amended claim 1 currently reads:

> 1.(**Currently Amended**) A method for displaying specified resource usage
> according to a system element, said method comprising the steps of:
>
> determining a usage status for at least one resource utilized by a computer
> system; and
>
> responsive to detecting a window displayed within a user interface in
> association with a particular system element from among a plurality of system
> elements, adjusting a shading of a preexisting window element within said
> window to indicate said usage status of said at least one resource as utilized by
> said particular system element, wherein said preexisting window element is
> initially displayed for a purpose other than indicating said usage status, such that
> a display area for specifying said usage of said at least one resource avoids
> utilizing additional screen real estate for creating a status indicator.

In the rejection to claim 1, the Examiner cites Hall, Jr. as teaching the element of
"determining a usage status for at least one resource utilized by a computer system" at
col. 5, lines 12-34 and Figure 2A-2B. [Office Action, p. 2] The Examiner cites col. 5

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lines 12-34 and Figures 2A-2b as teaching "determining the status of at least one icon
associated with resources such as the computer, modem, server, etc., and displaying the
associated status line adjacent the icon." [Office Action, p. 2]

In addition, the Examiner cites Hall Jr. as teaching the element of "responsive to
detecting a window displayed within a user interface in associated with a particular
system element from among a plurality of system elements, adjusting a shading of a
preexisting window element within the window to indicate the usage status of the at least
one resource as utilized by the particular system element, such that a display area for
specifying the usage of the at least one resource avoids utilizing additional screen real
estate for creating a status indicator" at col. 2, lines 20-49 and 66-67 and col. 5, lines 11-
64. [Office Action, pp. 2, 3] The Examiner cites col. 2, lines 20-49 and 66-67 and col. 5,
lines 11-64 as teaching "upon detecting the display of a status window on the display
screen with the plurality of icons, the color of the segmented status lines can be changed
to indicate the usage status of an associated icon, furthermore, as shown in Figure 4A, the
segmented status lines are a part of the status window and are displayed adjacent the
plurality of icons and frames the border of the displayed status window screen so that no
additional windows need to be displayed to convey this status information; thus, the
amount of display area utilized to display status information is reduced." [Office Action,
pp. 2-3]

Applicants respectfully assert that Hall, Jr. teaches a status window with
segmented status lines that can be changed to indicate usage status, where the only
purpose of the displayed status window is for displaying usage status. Hall, Jr. does not
teach displaying usage status in graphical elements initially displayed for a purpose other
than reflecting the usage status. In contrast, Applicants amend claim 1 to clarify that the
"preexisting window element" is one that "is initially displayed for a purpose other than
indicating said usage status." The specification supports this clarification in the
teachings of page 12, lines 17-19 which read: "A preexisting window element is any
window element other than those uniquely specified for a window to illustrate status."

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Therefore, because Hall, Jr. does not teach updating the status in a preexisting window element, Hall, Jr. does not teach each element of claim 1, and claim 1 should be allowed. In addition, parallel claims 9 and 17 are amended for clarification like claim 1 and should be allowed for the same reasons as allowance of claim 1.

Claims 2-4, 6-7, 10-12, 14-15, 18-20 and 22-23

Claims 2-4, 6-7, 1–12, 14-15, 18-20 and 22-23 are dependent on independent claims 1, 9, and 17. Claims 1, 9, and 17 are amended for allowance. Thus, Applicants first note that claims 2-4, 6-7, 10-12, 14-15, 18-20 and 22-23 are dependent upon an allowable independent claim and request allowance of these dependent claims. Additionally, however, even if claims 1, 9, and 17 were not allowable, claims 6, 7, 14, 15, 22, and 23 are not anticipated by Hall, Jr. and should be allowed.

Claims 6, 14, and 22

With respect to claims 6, 14, and 22, the Examiner cites Hall, Jr. as teaching the method, system and program of claims 6, 14, and 22, respectively. [Office Action, p. 4] In particular, claim 6 currently reads:

6. (Currently Amended) The method for displaying specified resource usage according to claim 1, said step of adjusting a shading further comprising the step of:

adjusting a transparency of a transparent image overlay within said window element to indicate said usage status.

In the rejection of claim 6, the Examiner cites Hall, Jr. as teaching the elements of claim 6 at col. 5, lines 41-64. [Office Action, p. 4] In addition, the Examiner cites col. 5, lines 41-64 as teaching "adjusting the color, or gray-scale value of the segmented status lines or flashing the

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segmented status lines to indicate usage status." [Office Action, p. 4] In particular, Col. 5, lines 50-53 of Hall Jr. read: "For black and white systems, the gray-scale value of a segment of the status line may be modified to reflect the status of the item associated with the segment of the status line."

Applicants respectfully assert that adjusting a color or gray-scale value (in a black and white system) does not teach adjusting transparency. A transparency adjustment is an adjustment in the alpha value of a graphical image, not the color or gray-scale value of a graphical image. In contrast, claim 6 teaches adjusting a transparent image overlay to indicate a usage status. For purposes of clarification, Applicants amend claim 6 to indicate that it is the actual transparency value of the transparent image overlay that is adjusted and not a color or gray-scale value. The specification supports the clarification of claim 6 throughout Figures 3-7, page 20, line 32 through page 21, line 6, and page 21, line 31through page 22, line 3, for example. Thus, because adjusting a color does not teach adjusting a transparency, Hall, Jr. does not teach adjusting a transparency of a transparent overlay within a window element to indicate usage status and amended claim 6 should be allowed. In addition, Applicants respectfully request allowance of amended parallel system and program claims 14 and 22 for the same reasons that amended claim 6 should be allowed.

Claims 7, 15, and 23

With respect to claims 7, 15, and 23, the Examiner cites Hall, Jr. as teaching the method, system and program of claims 7, 15, and 23, respectively. [Office Action, p. 4] In particular, claim 7 currently reads:

7.   (Currently Amended) The method for displaying specified resource usage according to claim 1, said step of adjusting a shading further comprising the step of:

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adjusting a transparent image overlay in a transparent gradient increasing in a particular direction to indicate a change in said usage status.

In the rejection of claim 7, the Examiner cites Hall, Jr. as teaching the elements of claim 7 at col. 5, lines 41-64. [Office Action, p. 4] In addition, the Examiner cites col. 5, lines 41-64 as teaching "adjusting the color, or gray-scale value of the segmented status lines or flashing the segmented status lines to indicate usage status; for example, the segments representing signal strength can increase in a particular direction such as increasing from red to green, going through different shades of yellow in between." [Office Action, p. 4] In particular, col. 5, lines 53-62 read: "The variation in shape, color, or gray-scale may have any number of possible appearances to represent the status of the underlying items. For example, the color of the segment may change through a range of colors indicating the severity of a problem with the item associated with the segment. If, for example, the segment represents signal strength of a cellular communication, the color may vary from red (no connection) to green (maximum strength) and shades of yellow in-between for various levels of signal strength."

Applicants respectfully assert that while col. 5, lines 41-64 teaching changing a segment through a range of colors, from red to green to shades of yellow, changing the colors of a segment does not teach a gradient that increases in a particular direction to indicate usage status. In particular, Hall, Jr. teaches changing the color of the entire segment through a range of colors as a status changes. The "gradient" however, as taught by the present invention in Figure 3 and page 18, line 26- page 19, line 15 and known in the art, reveals a change in a usage status by adjusting a shading intensity within a graphical area, with one side of a graphical area at a higher intensity of shading and another side of a graphical area at a lower intensity of shading. In addition, claim 7 teaches changing a gradient that increases in a particular direction to indicate usage status. For purposes of clarification, Applicants amend claim 7 to clarify that the gradient is a transparent gradient and thus the transparency of the gradient increases in a

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particular direction to indicate the change in usage status. Therefore, because changing a segment through a range of colors does not teach adjusting a transparent gradient, Applicants respectfully assert that Hall Jr. does not teach all the elements of amended claim 7 and amended claim 7 should be allowed. In addition, Applicants respectfully request allowance of amended parallel system and program claims 15 and 23 for the same reasons that amended claim 7 should be allowed.

35 USC § 103(a)

Applicants note the responsibility under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made. Applicants note that all claims are commonly owned.

Claims 5, 8, 13, 16, 21, and 24

Claims 5, 8, 13, 16, 21, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hall, Jr. in view of Torres et al. (US Patent Number 5, 550,969). Applicants first note that claims 5, 8, 13, 16, 21, and 24 are dependent on base claims 1, 9, and 17 which are amended for allowance, and therefore claims 5, 8, 13, 16, 21, and 24 should be allowed as dependent claims of allowable independent claims. Second, Applicants note that the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not prove a prima facie case of obviousness for claims 8, 16, and 24, the rejection should be withdrawn and the claims should be allowed.

Claims 8, 16, and 24

Regarding claim 8, the Examiner notes that Hall Jr. does not teach "the preexisting window element comprises at least one from among a title bar, a scroll bar, a frame handle, and a minimized window." [Office Action, p. 6] The Examiner notes, however, that Torres teaches a user interface which displays indicators on preexisting window elements through "displaying marker icons indicating the positions of user selected items on the scroll bar" in col. 1, lines 53-

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59 and Figure 3, which is similar to the teaching of Hall, Jr. [Office Action, p. 6] In addition, the Examiner notes that Torres teaches that the preexisting window element could be the window's scroll bar in col. 1, lines 53-67 and col. 3, lines 38-45. [Office Action, p. 6] Thus, the Examiner concludes that "it would have obvious to one of ordinary skill in the art, having the teachings of Hall, Jr. and Torres before him at the time the invention was made, to modify the interface for displaying status information of Hall Jr. to include the display of information on the scroll bar, as taught by Torres." [Office Action, p. 6] And, the Examiner concludes that "one would have been motivated to make such a combination in order to allow the user to know where the selections are with respect to the current window view; thus, without using any additional screen space, the users can be constantly aware of information related to an object, such as user selection, even when the objects have been scrolled out of sight." [Office Action, p. 6]

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Applicants respectfully assert that the Examiner does not establish prima facie obviousness for claim 8 for the following reasons.

In establishing prima facie obviousness under 103(a), there must be some suggestion or motivation to modify the references. In particular, the teaching, suggestion or motivation to combine or modify the teachings of the prior art to produce the claimed invention must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

First, the Examiner articulates the motivation to combine the references as follows: "in order to allow the user to know where the selections are with respect to the current window view; thus, without using any additional screen space, the users can be constantly aware of information related to an object, such as user selection, even when the objects have been scrolled out of sight." [Office Action, p. 6] Applicants assert that the motivation articulated by the Examiner is nothing more than an articulation of the teachings of Torres, unrelated to the elements of the claimed invention, and does not show the motivation to combine Torres with

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Hall Jr. The motivation merely teaches that markers could be placed in a scroll bar and does not suggest a motivation for shading the scroll bar to indicate the usage status of a system element.

Further, Applicants respectfully disagree with the Examiner's assertion, in combining references, that "displaying marker icons indicating the positions of user selected items on the scroll bar" as taught by Torres, is similar to the teaching of Hall, Jr. [Office Action, p. 6] Hall, Jr. teaches displaying a status window for marking the usage status of an item, while Torres merely teaches displaying a selection of an item, not the usage status. The marker in the scroll bar does not provide a status indicator, but rather merely indicates a selection of a graphical element. Thus, Applicants respectfully assert that there is no motivation to combine or modify the teachings of the prior art other than the mere fact that both references described graphical user interface related inventions.

Therefore, for the reasons described, Applicants respectfully assert that because the Examiner does not establish the teaching, suggestions, or motivation to combine or modify the teachings of the prior art to produce the claimed invention, then prima facie obviousness is not established and claim 8 should be allowed. In addition, Applicants respectfully request allowance of parallel claims 16 and 24 for the same reasons that Applicants request allowance of claim 8.

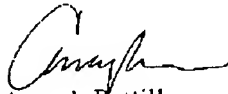## *Conclusion*

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,

on 12/8/04

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